Comments of Broadcast Communications, Inc.

GN Docket No. 25-133

Broadcast Communications, Inc., ("BCI") by its attorney, and in response to a Public Notice released March 12, 2025, DA 25-219, submits its comments. The Public Notice was entitled *In Re: Delete, Delete, Delete*. The Public Notice, issued pursuant to a series of executive orders of President Trump that called on administrative agencies to unleash prosperity through deregulation and ensure that they are efficiently delivering great results to the American people. *See, e.g., Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 24 Fed. Reg. 9065 (February 6, 2025); *See also Executive Order 14219 of February 19, 2025, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*, 36 Fed. Reg. 10583 (February 25, 2025).

In the Public Notice, the Commission seeks public input on identifying FCC rules for the purpose of alleviating unnecessary regulatory burdens. The Commission seeks comment on deregulatory initiatives that would facilitate and encourage American firms' investment in modernizing their networks, developing infrastructure, and offering innovative and advanced capabilities. The Communications Act directs the FCC to regularly review its rules to identify and eliminate those that are unnecessary in light of current circumstances, recognizing that in addition to imposing unnecessary burdens, unnecessary rules may stand in the way of development, expansions, competition and technological innovation in communications that the Commission is directed to advance. Government-wide administrative law requires review of rules to ensure that unnecessary – or affirmatively detrimental – rules are not retained. *See* 47 U.S.C. § 161 (directing the Commission periodically to review rules applicable to telecommunications carriers to "determine whether any such regulation is no longer necessary in

the public interest as the result of meaningful economic competition between providers of such service," in which case it "shall repeal or modify" the regulation); Telecommunications Act of 1996, Pub. L. 104-104, § 202(h) (1996), as amended, (directing the Commission periodically to review its media ownership rules to "determine whether any of such rules are necessary in the public interest as the result of competition," and "repeal or modify any regulation it determines to be no longer in the public interest"). *See also* 47 U.S.C. § 163 (directing the Commission periodically to assess the state of the communications marketplace and, among other things, determine whether regulations or regulatory practices "pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services," including particularly in the case of "entrepreneurs and other small businesses").

BCI is the licensee of the following stations:

Call Sign	Facility ID	City	State	Service
W231BM	148552	PITTSBURGH	PA	FM Translator
WXVE	36115	LATROBE	PA	Full Power AM
WKVE	32210	MOUNT PLEASANT	PA	Full Power FM
W286CZ	141826	GREENSBURG	PA	FM Translator
W271CW	158245	PITTSBURGH	PA	FM Translator
W250CP	201280	LATROBE	PA	FM Translator
W292FM	201281	UNIONTOWN	PA	FM Translator
WKHB	72297	IRWIN	PA	Full Power AM
W227DB	156094	MCKEESPORT	PA	FM Translator
W222CB	156023	IRWIN	PA	FM Translator
W286AL	156102	WAYNESBURG	PA	FM Translator
W248AR	140980	MONROEVILLE	PA	FM Translator
WLSW	36116	UNIONTOWN	PA	Full Power FM
WEDO	161	MCKEESPORT	PA	Full Power AM
WANB	32211	WAYNESBURG	PA	Full Power AM
WKFB	10026	JEANNETTE	PA	Full Power AM
WMSG	49935	OAKLAND	MD	Full Power AM
WKHJ	61304	MOUNTAIN LAKE PARK	MD	Full Power FM

WKTZ-FM	64662	LOCH LYNN HEIGHTS	MD	Full Power FM
W236DI	201283	OAKLAND	MD	FM Translator
WKTQ	49936	OAKLAND	MD	Full Power FM

The following are the rules with which BCI is primarily concerned.

EEO

(47 CFR § 73.2080)

The Commission has a three-pronged approach to EEO compliance, which generally applies to broadcasters who have five or more full-time employees in their "employment unit." An employment unit is one or more stations in a single market that share at least one employee.

A full-time employee is a permanent employee who works 30 hours or more per week. If the employment unit has fewer than five full-time employees, a station is required to observe the general nondiscrimination rule, but need not follow the Commission's recruitment, notification and menu option requirements.

Broadcasters with five or more full-time employees must recruit, in compliance with FCC standards, for all full-time vacancies. To satisfy this requirement, broadcasters must, for each vacancy, develop and use a recruitment source or list of recruitment sources sufficient to ensure wide dissemination of information about the job opening. The rules require only that the source or sources used be reasonably calculated to reach the entire community. A broadcaster may widely disseminate job listings through any combination of methods to ensure that the posting reaches the entire community. A broadcaster does not need to use the same recruitment sources for every hire. The rules do not preclude the use of national recruitment sources. The FCC does not require that recruitment be targeted to specific groups within the community and, indeed, under certain circumstances, it may be illegal to do so. The Internet can be used as a broadcaster's sole recruitment source, as the resulting applicant pool proves to be diverse. For

example, advertising a job opening on Indeed.com or a similar job recruiting website may be sufficient. Broadcasters may engage in joint recruitment efforts with unaffiliated broadcasters or community organizations in the market, if desired – *e.g.,* job fairs. Broadcasters may also use organizations for assistance in designing or implementing their recruitment efforts.

With respect to the broad outreach requirement, the FCC allows a licensee to define the relevant "community" in its good faith discretion. In making this determination, a broadcaster should assess: (1) the technical coverage of its station(s); (2) its marketing, promotional, and advertising practices; (3) the pertinent market definitions adopted by public agencies or commercial services; and (4) requests for notices of job vacancies from locally based community groups.

Broadcasters must provide notification of full-time job vacancies to organizations involved in assisting job seekers, upon request by such organizations. A valid request must provide the station employment unit with the organization's name, mailing address, email address, telephone number, contact name, and the vacancy information requested (*e.g.*, "engineering positions" or "all vacancies"). Such organizations are entitled to receive notice of any vacancies requested. The FCC expects broadcasters to make reasonable efforts to publicize vacancies, such as an on-air announcement or through a joint announcement by broadcasters or state broadcasters' associations. Notices could be included in press releases or newspaper ads, or posted on the company's website.

The recruitment and notification requirements discussed above explain what a broadcaster must do when it seeks to fill employment vacancies. Additionally, the FCC requires broadcasters to perform outreach initiatives to generally raise awareness about employment opportunities in the field of broadcasting. The goal of this requirement is to encourage members

of the community who may be interested in a broadcasting career to acquire the necessary skills to qualify for employment.

The FCC requires a broadcaster with an employment unit that has between five and 10 employees or is located in small market to complete two menu options over a two year period. An employment unit that has more than 10 employees and is not located in a small market must complete four menu options over a two year period. The menu of options consists of the following activities:

1) Participation in at least four job fairs by station personnel who have substantial responsibility for hiring decisions.

2) Hosting at least one job fair.

3) Co-sponsoring at least one job fair with an organization in the business and professional community whose membership includes substantial participation of women and minorities.

4) Participation in at least four activities sponsored by community groups active in broadcast employment issues, including conventions, career days, workshops, and similar activities.

5) Establishment of an internship program designed to assist members of the community to acquire skills needed for broadcast employment.

6) Participation in general outreach efforts by such means as job banks or Internet programs.

7) Participation in scholarship programs directed to students desiring broadcasting careers.

8) Establishment of training programs designed to enable station personnel to acquire skills that could qualify them for higher-level positions.

9) Establishment of mentoring programs designed to enable station personnel to acquire skills that could qualify them for higher-level positions.

10) Participation in at least four events or programs relating to career opportunities in broadcasting sponsored by educational institutions.

11) Sponsorship of at least two events in the community designed to inform the public as to employment opportunities in broadcasting.

12) Listing each upper-level opening in a job bank or newsletter of a media trade group with a broad-based membership, including participation of women and minorities.

13) Providing assistance to outside nonprofit entities in the maintenance of websites that provide counseling on the process of searching for broadcast employment and/or other career development assistance pertinent to broadcasting.

14) Providing training to management level personnel as to methods of ensuring equal employment opportunity and preventing discrimination.

15) Providing training to personnel of outside recruitment organizations that would enable them to better refer job candidates for broadcast positions.

16) Participation in activities other than the 15 listed above that the licensee has designed to further the goal of disseminating information about employment opportunities in broadcasting to job candidates who might otherwise be unaware of such opportunities.

Internal Recordkeeping

Broadcasters with five or more full-time employees must maintain the following documentation and, in the event of an investigation or audit, provide it to the FCC upon request:

1) Listing of all full-time job vacancies filled by the station employment unit, identified by job title.
2) For each such vacancy, the recruitment sources used to fill the vacancy identified by name, address, contact person, and telephone number (and including, if applicable, organizations entitled to notification, which should be separately identified).
3) The specific recruitment source(s) from which each candidate interview was derived.
4) Dated copies of all advertisements, bulletins, letters, faxes, emails, or other communications announcing vacancies.
5) Documentation establishing that "notification organizations" received the job vacancy information that was requested.

6) Documentation necessary to demonstrate performance of menu options, including sufficient information to disclose fully the nature of the initiative and the scope of the station's participation, including the station personnel involved.

Broadcasters must retain all records documenting their outreach efforts until the grant of the renewal application covering the license term during which the hire or recruitment activity occurs.

Public File Report

Broadcasters with five or more full-time employees must place in their online public file annually, on the anniversary of the renewal application filing date, an EEO public file report containing the following information:

1) List of all full-time vacancies filled by the station employment unit during the preceding year, identified by job title.
2) For each such vacancy, the recruitment source(s) used to fill the specific vacancy including the address, contact person, and telephone number of each source (and including organizations entitled to notification of vacancies, which should be separately identified).
3) List of the recruitment sources that referred the people hired for each full-time vacancy.
4) Data reflecting the total number of persons interviewed for full-time vacancies during the preceding year.
5) For each recruitment source used in connection with any such vacancies, the total number of interviewees referred by that source.
6) List and brief description of the menu options implemented during the preceding year.

Broadcasters with websites must post EEO public file reports on the station's website and provide a link to their online public inspection file.

In addition to a station's annual upload of its EEO Public File Report to the station's online public inspection file, there is an additional instance in which a broadcaster may need to file its public file report with the Commission:

- The EEO public file reports covering the two-year period preceding the filing of a renewal application must be submitted with that application as an attachment to FCC Form 396. Broadcasters are required to keep a copy of Form 396 in their online public files.

From the foregoing, it is quite apparent that the requirements are, to say to the least, onerous. BCI submits that EEO practices, complaints, etc. are more properly the purview of the Equal Employment Opportunity Commission ("EEOC"). It also submits that, due to the onerous nature of what the Commission requires, it is a disincentive for a broadcaster, like BCI, to have five or more full-time employees. BCI is reluctant to hire more full-time employees due to the burden it would face with the FCC's EEO requirements. BCI fully supports non-discrimination and it does not discriminate. However, the FCC's EEO requirements are, to say the least, costly and overwhelming. BCI submits that the EEO recordkeeping and related compliance activities should be eliminated.

Quarterly Issues/Programs Lists

(47 CFR § 73.3521(b) and § 73.1943)

The quarterly Issues/Programs List is a broadcast station's record of programming that serves the public interest. Issues/Programs Lists are a chore, to say the least. Each quarter, all commercial and noncommercial radio and television stations must place in the online public inspection file a list of the most significant programs which address issues of concern to the community of license during the preceding three-month period. The list must identify the issues that were deemed to be important and a brief narrative description of the programming that addressed these issues.

Lists must provide sufficient information for the public to determine whether a licensee is meeting its public interest requirements. Lists are not merely intended to "illustrate" the kind of

programming the station broadcasts, but should document the "best" or "most significant programming treatment" of issues which are of concern to the community of license.

The Issues/Programs List is an outgrowth of a prior deregulation where the renewal process was simplified, in which the need for ascertainment surveys was eliminated.

The lists must identity the issues of concern to the community and the programming that addresses those issues. Each entry must contain the following elements:

A) the issue addressed;
B) the issue-responsive programming, including its title and a brief narrative description;
C) the date each program was aired;
D) the time each program was aired; and
E) the duration of each program.

Once again, the problem is that the issues of most stations throughout the country appear to be very similar. Frequent items on the list include housing, drugs, crime, etc. as the issues to be addressed. Since the Commission does not specify the time of the programming that meets the issues must be aired, licensees will very often air this programming at hours where there is a minimal listening audience.

The quarterly Issues/Programs List requirement is, to say the least, burdensome to the broadcaster, but, more importantly, it does not result in any meaningful or real public benefit. Rather, it seems that a random audit to find out what stations are doing to address community concerns would be a far greater benefit. In this regard, if stations chose to address concerns in the community through public service announcements, by itself or in conjunction with public affairs programming, that would be more meaningful.

BCI suspects that the Issues/Programs Lists are neither read nor reviewed and, thus, the compilation of them and the filing are meaningless acts.[1]

Station Telephone Number

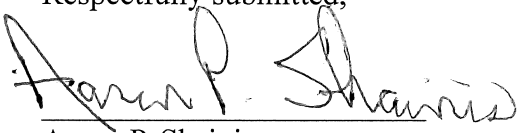
(47 CFR § 73.1125)

Each AM, FM, TV and Class A TV broadcast station shall maintain a local telephone number in its community of license or a toll-free number.

BCI submits that maintaining a phone line for each station is costly. In an age where an overwhelming number of listeners possess mobile phones with included long distance service, a single phone number for all stations should be sufficient.

BCI urges that the Commission eliminate the foregoing rules. The rules mentioned are unnecessary and, as demonstrated, overly burdensome.

Respectfully submitted,



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Dated: April 11, 2025

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[1] The Commission's concern is the timely filing and not the content.